

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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10 LOUANN BARNETT, )  
11 Plaintiff, ) 2:11-cv-0175-GMN-RJJ  
12 vs. )  
13 )  
14 FREEDOMROADS, LLC., etc., *et al.*, ) O R D E R  
15 )  
16 Defendant, )

17 This matter is before the Court on Defendants' Request for Sanctions related to the  
18 Emergency Motion to Compel (#39).

19 The Court held a hearing on the motion (*see*, Minutes of Proceedings (#51)) and granted  
20 the Motion to Compel (#39). An Affidavit Requesting Fees (#50) was filed and the Court  
21 subsequently held a hearing on said affidavit. *See*, Minutes of Proceedings (#54).

22 Based on the foregoing the Court finds that Plaintiff and Plaintiff's counsel were not  
23 responsive or communicating with Defendants' counsel regarding the delay in producing the  
24 requested discovery. Even when extensions were granted and Plaintiffs' attorney promised to  
25 produce discovery, it was not forthcoming. The Defendant had no option but to bring the Motion  
26 to Compel (#39). The Plaintiff's failure to produce discovery was not substantially justified and  
27 the Court finds no other circumstances that make an award of expenses unjust. Finally, at the  
28 hearing on the Affidavit Requesting Fees (#50) Plaintiff's counsel orally requested

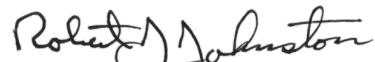
1 compensation for Defendants' failure to redact certain private information from some filed  
2 documents. The Court finds this oversight inadvertent and quickly corrected after the hearing.  
3 Therefore an award of sanctions on this matter is not justified.

4 Good cause appearing therefore.

5 IT IS HEREBY ORDERED that Defendants' Affidavit Requesting Fees (#50) is  
6 GRANTED in part in the amount of \$3,300.00. Said award is to be paid by the Plaintiff  
7 forthwith.

8 IT IS FURTHER ORDERED that Plaintiff's oral request for compensation as described  
9 above is DENIED.

10 DATED this 21st day of June, 2012.

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14 ROBERT J. JOHNSTON  
United States Magistrate Judge

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